REMARKS

The Office Action sent to Applicant on 03/23/2011 has been carefully considered. Claims 31-51 are previously pending and all pending claims stand rejected. The claims 31 – 51 are amended comprising enhancements in response to the Office Action of 03/23/2011 without introduce any new matter. The current pending claims standing for examining are claims 31 – 33, and 52 – 68 which include the original claim 31 – 33 and new claims 52 - 58. The original claims 34 – 51 are canceled. Applicant respectfully requests entry of the foregoing Amendments and reconsideration of the instant application in light of the amendments above and the remarks below.

1. Regarding The 35 USC §112 Rejection:

The claims 31 – 51 are rejected under 35 USC §112, Applicant very appreciates Office Action pointed out the grammatical and statutory errors. These errors are fixed in the amended claims 31 – 33. Since the claims 34 - 51 are canceled, the rejections on these claims are moot. Since Applicant learned lessons from the errors pointed out by the Office Action, therefore, the added new claims are better scripted in a way that are much clean and neat in compliance to the 35 USC §112 requirement.

2. Regarding The 35 USC §102 Rejection:

In paragraph II of the Office Action, the claims 31 – 33, 37, and 45 are rejected as being anticipated by O'Brien et al. (US. Patent No. 6,351,807 or "O'Brien"). Applicant respectively traverses the rejections and can not agree such rejection. Because a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

Here, each and every element of Applicant's independent claims 31, and 33 are not found, either expressly or inherently, in a single prior art reference of O'Brien.

For example, the claim 31 of instant application (recited in part and emphasis added):

"31. ..... assigning a wireless communication device to access an external storage space provided by an associated computer across a communication network;

configuring the wireless communication device ... to .....

send the download information for the desired file to the associated computer based on the information of the desired file obtained from the cached web page in the wireless communication device;; .....".

The claims 31 reflects the disclosed subjects on page 6, lines 1 – 20 of instant application such that (instant application's page 6, lines 1 – 20 recited in part and emphasis):

1) "..... web-browser (8 of Fig. 3) of a specific wireless device (1 of Fig. 3) accesses a remote download web server site (12 of Fig. 3) and obtain the information for download via path (a) of Fig. 3. For example, to get a web-page, which contains the data name for download.
2) The other software modules (9 of Fig. 3) of a specific wireless device (1 of Fig. 3) obtains download information, which becomes available in the cached web-pages on wireless device.....

send the obtained download information to storage server....."

On the other hand, although O'Brien disclosed

"The EJB cluster (EJBC) caches memory of common resource such as the pooling of data connections and the like, as well as data objects." (O'Brein col. 8, lines 33 – 39)

Yet, it is so obvious that the cache of the enterprise JavaBean cluster of O'Brien has failed to disclose the cache of the wireless communication device of instant application. Second, O'Brein's "Save to MY X:Drive System" has failed to disclose that the out-banded downloading requires to obtain the file information from the previously retrieved web page in the cache of instant application. Third, O'Brien has failed to disclose that the wireless communication device of instant application obtains the file information from the cached web page in the storage media of the wireless communication device and send it to the storage server that provides external storage to the wireless communication device. It is obviously that O'Brien failed to disclose and never disclose providing external storage for the wireless communication device.

Applicant would like to point out that for the above reasons alone, the claims 31 is patentable over the O'Brien. Since claim 33 is a system implemented the method of the claim 31, therefore, the claim 33 is also patentable over the O'Brien. Further, the claim 32 is a dependent claim of the claim 31, therefore, by the law, the claim 32 is also patentable over the O'Brien. From the given facts, Applicant respectively requests the Office Action to withdrawn the 35 USC 102 (b) rejection over the claim 31, 32, and 33. Also a request for allowance of claim 31, 32, and 33 is respectively submitted.

The claims 37 and 45 are canceled, therefore, the rejection on these two claims are moot.

3. Regarding The 35 USC §103 Rejection:

The Office Action rejected claims 34 – 36, 38 – 44, and 46 - 51 under 35 U.S.C. 103(a) as being obvious over O'Brien (US. 6,351,776), hereinafter referred to as "O'Brien" in view of Hochmuth (US 7,500,069), hereinafter referred to as "Hochmuth". Without admitting that O'Brien and Hochmuth are prior art and reserving the right to establish that

they are not prior art, Applicant respectfully traverses these rejections regardless the rejections are moot due to the cancellation of the claims 34 – 36, 38 – 44, and 46 - 51.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *in re Royka*, 490 f. 2d 98 1, 180 Uspq 580 (CCPA 1974). in other words, each and every element (or limitation) in a claim must be taught somewhere in the applied references. if any one of the elements is not taught in any of the applied prior art, the obviousness rejection under §103 cannot stand.

Applicant respectively submit that the combination of O'Brien and Hochmuth have failed to disclose a detailed sequence of steps of supporting wireless communication device's web based downloading for a desired file from a remote web site directly into an external storage space provided by a storage server instead of immediately downloading it into the wireless communication device itself.

Applicant's remark made for 35 U.S.C. 102(b) rejection has clearly proved that O'Brien has failed to disclose the wireless communication device of instant application for supporting downloading file into external storage.

Second, although Mochmuth's disclosed wireless communication network and mobile device access the storage such as (Mochnuth COL. 5, lines 16 – 18 recite)

"FIG. 1 illustrates a secure storage access system 10 that includes clients 20 and 30 coupled to a secure switched network 40 through a network such as the Internet 15. Secure storage"

and such as (Mochnuth COL. 5, lines 42 – 43 recite)

"As illustrated in FIG. 1, client 30 includes mobile node 31 and computing node 32"

However, same as O'Brien that Mochmuth also has failed to disclose the important step of obtaining the file download information from the web page cached in the storage media of a wireless communication device.

Applicant would like to submit that because both of O'Brien and Mochmuth has failed to disclose such important step in a sequence of steps of instant application, the 35U.S.C 103 (a) rejections on the instant application shall be withdrawn. The independent claims 31, 33, and 61 of instant application are patentable over the combination of the O'Brien and Mochmuth.

4: Issues:

a) The specification of instant application was not professionally drafted at the time of submitting on 12/04/2003. Specially, it was incorrectly referenced related parent applications regardless its numerous formality issues.

For example, in the first paragraph of "Field of the Invention" of instant application has referenced claims 20 item a), b), d), claim 30 item b), and claim 36 of provisional application 60/401,238 of "Concurrent Web Based Multi-Task Support for Control Management System".

Yet, it actually really means to reference the utility application 10/713,904 which is converted from the provisional application 60/401,238 because the provisional application 60/401,238 actually does not have these claims, instead these claims can be found in the converted application 10/713,904 filed on 06/22/2003. For example, the description of the claims 36 of 10/713,904 states (claim 36 of 10/713,904 recite, and emphasis added)

"36. The claim 20 with item a), b), and d) together with claim 30) further includes a) When the wireless devices used as web-console host, the users on the web console of these wireless devices can partition storage, create and mount file system, and create file/directory hierarchy for any system within CCDSVM. In addition, user can move any type of data to the storage on these system from console host itself or from any other system within CCDSVM. This actually in the sense that is has enabled the users of these wireless devices to actually own a huge amount of virtual external storage such as owning multiple Gig Bytes disk storage on either system units or control management station."

In addition, the first paragraph of instant application also referenced a claim 19 of provisional application 60/402,626 of "IP Based Distributed Virtual SAN". Actually, it really means to reference the application 10/713,905 which was converted from the provisional application 60/402,626 on 06/22/2003 because the provisional application 60/402,626 does not have the claim 19, instead the application 10/713,905 has.

The reason for such incorrect references is that when instant application filed on 12/04/2003, the application number of 10/713,904 had not issued yet although Applicant filed a petition for converting the provisional application 60/401,238 into a non-provisional application on 06/22/2003. The application number of 10/713,904 was given by USPTO office on 01/21/2004.

Applicant has realized that it is a complicated issue to make corrections for the scenarios mentioned above for the instant application although Applicant has proved what the prior applications referenced by the first paragraph of instant application really referenced the converted non-provisional application 10/713,904 and 10/713,905. While the first paragraph of instant application has incorrectly referenced prior applications, yet they are still valuable to the instant application to be removed.

Applicant is curious about if a rule 312 type of amendment can be applied to the instant application to resolve at least the formality issues of the instant application. Please be advised. In addition, Applicant would like to file a continuation in part of an application for covering the virtual storage server providing external storage to the wireless communication devices along with resolving the discussed issue.

5: Conclusion:

The remarks made above have clearly indicated that the combination of O'Brien and Mochmuth has failed to disclose the major subject matters of the instant application. Therefore, all independent claims 31, 33, and 61 are patentable over the combination of

O'Brien and Mochmuth. Further all claims depending on the independent claims 31, 33, and 61 shall be patentable as matter of the patent law (See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000).). Thus, the withdrawing all rejections from the Office Action of 03/23/2011 is respectively requested.

6: Summery:

Applicant believes that the proposed amended claims and the remarks made above have fully overcome the rejections made in Office Action on 03/23/2011 and the instant application are in condition for allowance. Therefore, the issuance of a formal notice of allowance at an earlier date is respectfully requested.

Applicant also very appreciates the Office Action for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the applicant Sheng Tai (Ted) Tsao can be reached at (408) 813-0536 and at 408-251-0864. Please also forward the corresponding materials to inventor's address of 2979 Heidi Drive, San Jose, CA 95132.

Respectfully submitted,
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